



PUBLIC NOTICE

Federal Communications Commission
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DA 05-1744

THE WIRELINE COMPETITION BUREAU SEEKS COMMENT ON PETITION TO REDEFINE A RURAL TELEPHONE COMPANY SERVICE AREA IN THE STATE OF MISSISSIPPI

CC Docket No. 96-45

Released Date: June 23, 2005

Comment Date: July 6, 2005

Reply Comment Date: July 21, 2005

The Wireline Competition Bureau seeks comment on a petition filed by the Mississippi Public Service Commission (MPSC) pursuant to section 54.207(c) of the Commission's rules, requesting Federal Communications Commission agreement with the decision of MPSC to redefine the service area of Franklin Telephone, Inc. (Franklin), an incumbent local exchange company.¹

This is the Public Notice required by section 54.207(c)(2).² If the Commission initiates a proceeding to consider the Petition, it must do so by September 1, 2005, pursuant to our rules.³ If the

¹ *Petition of the Mississippi Public Service Commission for Agreement with Redefinition of Service Areas of Certain Rural ILECs in the State of Mississippi*, CC Docket 96-45, filed May 20, 2005 (MPSC Petition). Section 54.207 of the Commission's rules, which implements section 214(e)(5) of the Communications Act of 1934, as amended, provides that a rural incumbent local exchange company's service area will be its study area "unless and until the Commission and states, after taking into account the recommendations of a Federal-State Joint Board instituted under section 410(c), establish a different definition of service area for such company." 47 C.F.R. § 54.207(b). See also 47 U.S.C. § 214(e)(5).

² 47 C.F.R. § 54.207(c)(2).

³ The Commission delegated its authority to act on petitions to redefine rural service areas to the Chief of the Wireline Competition Bureau. 47 C.F.R. § 54.207(e). Our rules require that the Commission issue a Public Notice within 14 days of receipt of a petition for redefinition of a service area, 47 C.F.R. § 54.207(c)(2), and then that the Commission act within 90 days of the release date of the Public Notice, or the petition is deemed granted. 47 C.F.R. § 54.207(c)(3)(ii). Because this Public Notice was not released until June 23, 2005, 34 days after the petition was filed, we waive, on our own motion, the 14-day period set forth in 47 C.F.R. § 54.207(c)(2). See 47 C.F.R. § 1.108. Petitioner will not be harmed by this waiver, however, because we will apply the 90-day time frame 14 days from the date that the petition was filed. Thus, if the Commission does not initiate a proceeding on the MPSC Petition by September 1, 2005, MPSC's petition will be deemed granted. 47 C.F.R. §§ 54.207(c)(2)-(3).

Commission does not act on the Petition by September 1, 2005, the definition proposed by the MPSC will be deemed approved by the Commission and shall take effect in accordance with state procedures.⁴

Pursuant to Sections 1.415 and 1.419 of the Commission's rules 47 C.F.R. §§ 1.415, 1.419, interested parties may file comments on or before **July 6, 2005**, and reply comments on or before **July 21, 2005**. All pleadings are to reference **CC Docket No. 96-45**. Comments may be filed by using the Commission's Electronic Comment Filing System (ECFS) or by using paper copies.⁵

Comments filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/cgb/ecfs/>. Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of this proceeding, however, commenters must transmit one electronic copy of the comments to each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to ecfs@fcc.gov, and should include the following words in the body of the message, "get form." A sample form and directions will be sent in reply. Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, commenters must submit two additional copies for each additional docket or rulemaking number.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail).

The Commission's contractor, Natek, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002.

- The filing hours at this location are 8:00 a.m. to 7:00 p.m.
- All hand deliveries must be held together with rubber bands or fasteners.
- Any envelopes must be disposed of before entering the building.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, S.W., Washington, D.C. 20554.
- All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

Pursuant to section 1.1206 of the Commission's rules, 47 C.F.R. § 1.1206, this proceeding will be conducted as a permit-but-disclose proceeding in which ex parte communications are permitted subject to disclosure. For further information, contact Pam Slipakoff, Telecommunications Access Policy Division, Wireline Competition Bureau at (202) 418-7400, TTY (202) 418-0484.

⁴See 47 C.F.R. § 54.207(c)(3)(ii).

⁵ See Electronic Filing of Documents in Rulemaking Proceedings, 63 Fed. Reg. 24121 (1998).